

## BOARD MEMBER REMOVAL CRITERIA

ORDINANCE NO

2014-3888

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," SECTION 118-52, "MEETINGS AND PROCEDURES;" DIVISION 3, "DESIGN REVIEW BOARD," SECTION 118-74, "REMOVAL;" DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-105, "REMOVAL;" DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-133, "REMOVAL," BY MODIFYING AND EXPANDING THE REMOVAL CRITERIA OF THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD, AND BOARD OF ADJUSTMENT, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach Land Development regulations provides for the regulation of land through the appointment of various professional and lay members of the community to quasi-judicial land use boards; and

**WHEREAS**, it has become necessary to review and amend the criteria by which appointed board members retain their positions; and

**WHEREAS**, the Planning Board recommended approval at its meeting dated May 27, 2014 by a vote of 6-0; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 118, "Administrative and Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-52, "Meetings and procedures," Division 3, "Design Review Board," Section 118-74, "Removal," Division 4, "Historic Preservation Board," Section 118-105, "Removal, and Division 5, "Board of Adjustment," Section 118-133, "Removal," of the Land Development Regulations, are hereby amended to read as follows:

Division 2, "Planning Board," Sec.118-52, "Meetings and procedures."

\* \* \*

- (f) *Removal of board members.* In the event that any member of the board fails to attend three ~~33 percent~~ of the regularly scheduled meetings per calendar year ~~(to calculate the number of absences under the 33 percent formula, 0.4 or less rounds down to the next whole number and 0.5 or more rounds up to the next whole number)~~, or abstains from voting on a matter before the board due to a conflict of interest on four different applications within a period of one year, such member shall cease to be a member of the board. For purposes of this section, an absence from a meeting shall be defined as missing more than 50 percent of the scheduled matters unless the member attended 70 percent of the duration of time of that meeting's agenda. A person who

has ceased to be a member of the board due to absences or conflicts of interest shall not be reappointed to the board for a period of one year from the date of his/her removal.

Division 3, "Design Review Board," Sec. 118-74, "Removal."

\* \* \*

(a) Removal of a design review board member shall be mandatory when that member:

- (1) Fails to attend three ~~33 percent~~ of the regularly scheduled meetings per calendar year ~~(to calculate the number of absences under the 33 percent formula, 0.4 or less rounds down to the next whole number and 0.5 or more rounds up to the next whole number); or~~
- (2) Abstains from voting due to a conflict of interest on four different applications within a calendar year.

For purposes of this section, an absence from a meeting shall be defined as missing 50 percent of the scheduled matters unless the member attended 70 percent of the duration of time of that meeting's agenda. A member who is removed shall not be reappointed to membership on the board for at least one year from the date of removal.

- (b) Any absences and/or abstentions due to conflict of interest prior to the effective date of these land development regulations shall not apply for purposes of removal from board membership.

Division 4, "Historic Preservation Board," Sec. 118-105, "Removal."

\* \* \*

In the event any member of the historic preservation board fails to attend three ~~33 percent~~ of the regularly scheduled meetings per calendar year ~~(to calculate the number of absences under the 33 percent formula, 0.4 or less rounds down to the next whole number and 0.5 or more rounds up to the next whole number), or abstains from voting on a matter before the historic preservation board due to a conflict of interest four times within a period of one year, such member shall cease to be a member of the board. For purposes of this section, an absence from a meeting shall be defined as missing 50 percent of the scheduled matters unless the member attended 70 percent of the duration of time of that meeting's agenda. However, abstentions for reason of conflict for matters relating to amendment of the historic properties database shall not be counted for this purpose.~~

Division 5, "Board of Adjustment," Sec. 118-133, "Removal."

\* \* \*

In the event that any member of the board of adjustment fails to three ~~33 percent~~ of the regularly scheduled meetings per calendar year ~~(to calculate the number of absences under the 33 percent formula, 0.4 or less rounds down to the next whole number and 0.5 or more rounds up to the next whole number), or abstains from voting on a matter before the board due to a conflict of interest on four different applications within a period of one year, such member shall cease to be a member of the board. For purposes of this section, an absence from a meeting shall be defined as missing 50 percent of the scheduled matters unless the member attended 70 percent of the duration of time of that meeting's agenda. A person who has ceased to be a member of the board due to~~

absences or conflicts of interest shall not be reappointed to the board for a period of one year from the date of his/her removal.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

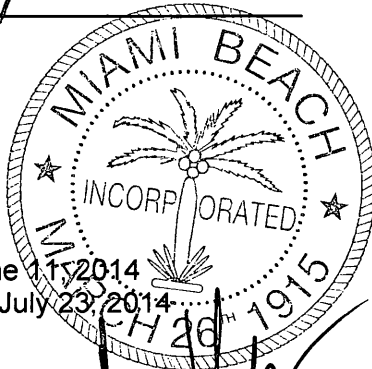
**SECTION 5. APPLICABILITY AND EFFECTIVE DATE.**

This Ordinance shall take effect on January 1, 2015.

PASSED and ADOPTED this 23 day of July, 2014.

ATTEST:

CITY CLERK



First Reading: June 11, 2014

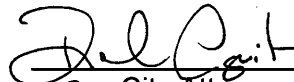
Second Reading: July 23, 2014

Verified by:

Thomas R. Mooney, AICP  
Planning Director

MAYOR

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
City Attorney

7/8/14  
Date

Underscore denotes new language  
~~Strikethrough~~ denotes deleted language